

**Federal Defenders
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July 1, 2021

The Honorable Rachel P. Kovner
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Ryan Behar, 21-CR-187 (RPK)

Your Honor:

I write on behalf of Mr. Behar, and with the government's consent, to request that the Court permit the upcoming change of plea hearing to be conducted by videoconference on July 7, 2021. Mr. Behar is currently being held at the Metropolitan Detention Center ("MDC"). Mr. Behar requests to waive his physical appearance at this upcoming hearing and appear by video. Currently the MDC requires that any inmate who leaves the building for Court will be quarantined for approximately two weeks after returning to the facility. Quarantine necessarily results in additional constraints on an inmate's movement within the facility. For these reasons Mr. Behar requests that he not be required to appear in person.

On March 20, 2021 Chief Judge Brodie issued an order continuing to limit in-person proceedings in the District to avoid jeopardizing public health and the safety of those who appear in Court, advising that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure should continue to be held remotely to the maximum extent possible.¹ We ask that the Court find that his felony plea cannot be further delayed without serious harm to the interest of justice and that, with his consent, the Court conduct this proceeding by videoconference.

¹ See Administrative Order No. 2021-5 Fourth Authorization to Continue the Use of Videoconferencing for Teleconferencing in Criminal Matters

Counsel has consulted with the government about this request and they have no objection.

Respectfully Submitted,

/S/

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Cc: Garen S. Marshall
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